



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Paul Inman, Senior
Postal Clerk (S0648U), Montclair
State University

List Removal Appeal

CSC Docket No. 2018-803

ISSUED: MAY 4, 2018 (HS)

Paul Inman appeals the removal of his name from the eligible list for Senior Postal Clerk (S0648U), Montclair State University on the basis of his failure to complete preemployment processing.

The appellant, a non-veteran, took and passed the open-competitive examination for Senior Postal Clerk (S0648U), which had a closing date of September 9, 2016. The resulting eligible list promulgated on March 16, 2017 and expires on March 15, 2020. The appellant's name was certified to the appointing authority on June 26, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of his failure to complete preemployment processing. Specifically, the appointing authority noted that in a memorandum to the appellant dated July 17, 2017, it instructed the appellant to provide the following documents: Employment Application; Authorization for Release of Information; Disclosure and Authorization; Search Request Form-Background Check; and "3 letters of reference, (2 work related required)." The appointing authority asserted that the appellant provided character references as opposed to professional work references; the employment verification company was unable to receive performance feedback from immediate supervisors by calling the contact numbers provided; the background check process was incomplete; the appellant indicated that he did not want the appointing authority to contact his current employer; and the appellant indicated that he was fired from a previous position.

On appeal to the Civil Service Commission (Commission), the appellant maintains that he did what he reasonably could to complete all areas of preemployment processing and should not have had his name removed from the subject eligible list due to reasons beyond his control. He states that he explained to the appointing authority that companies use an automated telephone system regarding employment verification and that some employers do not give out information regarding a former employee's performance. He provides an example of a response from a previous employer indicating that it would only provide a verbal employment verification. In support, the appellant submits, among other documents, copies of the following preemployment materials: Employment Application; Authorization for Release of Information; Disclosure and Authorization; Search Request Form-Background Check; and the three reference letters. The first reference indicated that she and the appellant "have often participated in volunteer work together that requires knowledge and tact." The second reference indicated that the appellant was "observed to be attentive, caring, and honest." The third reference indicated that the appellant is "extremely conscientious, and this is evident in his daily work. When working with him, his responsibilities included managerial tasks, record keeping, data collection and data-analysis."

In response, the appointing authority maintains that it properly removed the appellant's name from the subject eligible list, for the reasons noted earlier. It states that it does not accept verbal employment verifications but rather requires applicants to obtain professional references who can verify job performance.

In reply, the appellant states that on his Employment Application, he provided supervisors' names and telephone numbers for his current and previous employers and indicated the previously-referenced automated telephone number. The appellant reiterates that it is not his fault if the employment verification company was unable to receive performance feedback from immediate supervisors by calling the contact numbers provided. With respect to his indication that he did not want the appointing authority to contact his current employer, the appellant notes that the Search Request Form-Background Check provided the option of answering, "Not at this time, only after offer is accepted." Regarding the position from which he was fired, the appellant highlights that he was subsequently hired at two other companies. As to the three reference letters he submitted, the appellant points out that the appointing authority's July 17, 2017 memorandum did not state that he cannot use volunteer work. As such, he maintains that he fulfilled the requirement of providing three reference letters, of which two should be work-related.¹

¹ The parties also suggest that the discrepancy between the four digits noted under "Social Security No." on the appellant's Certification Disposition Notice and the last four digits of his actual Social Security number reflects an error in agency records. However, agency records indicate that the appellant did not provide his Social Security number at the time he filed his examination application

CONCLUSION

N.J.A.C. 4A:4-4.7(a)11 allows the Commission to remove an eligible's name from an eligible list for other valid reasons. *N.J.A.C.* 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his name from an eligible list was in error.

A review of the record indicates that the appointing authority's request to remove the appellant's name from the subject eligible list on the basis of his failure to complete preemployment processing was not justified. In this regard, the reasons offered in support are not persuasive. The July 17, 2017 memorandum instructed the appellant to provide three reference letters and only stated that two should be "work" related. It did not state that the work must have been "professional," and volunteer work was not explicitly excluded. A review of the reference letters finds that two were volunteer work-related and the third was a character reference. As such, the appellant provided the reference letters as requested during the preemployment process. With respect to his indication that he did not want the appointing authority to contact his current employer, the Search Request Form-Background Check provided candidates with the option to answer as such. The appellant's choice to take this option is not evidence of a failure to complete preemployment processing. As to his prior employers, the appellant provided contact telephone numbers. If those employers would not provide performance feedback, that also is not evidence of a failure on the *appellant's* part to complete preemployment processing. Finally, that the appellant was fired from a previous position is not a reason to find that he failed to complete the preemployment process for the *subject* position. Based on the record in this matter, the appellant cannot be said to have failed to complete preemployment processing. Accordingly, he has met his burden of proof, and the appointing authority has not shown sufficient justification for removing his name from the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and Paul Inman's name be restored to the eligible list for Senior Postal Clerk (S0648U), Montclair State University for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

for Senior Postal Clerk (S0648U), and thus a unique identification number was assigned instead to identify and track all records associated with that application and the testing process. It is this unique identification number that appears on the appellant's Certification Disposition Notice.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 2ND DAY OF MAY, 2018



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